

Cemetery and Funeral Bureau Modified Text

The Bureau has illustrated changes to the original text in the following manner: deletions from the language originally proposed are shown in strikeout using a “-“, and additions to the language originally proposed are underlined.

Proposed Language

Section § 1258.4 is added to Title 16, California Code of Regulations to read:

§ 1258.4. Statement of Disclosure of Preneed Arrangement

The statement on the general price list required by Business and Professions Code Section 7685 (b) shall be made on the first page of the list, and shall be separate and apart from any other information on the list, and shall state:

“The survivor of the deceased who is handling the funeral arrangements, or the responsible party, is entitled to receive, prior to the drafting of any contract, a copy of any preneed agreement that has been signed and paid for, in full or in part, by or on behalf of the deceased, and that is in the possession of the funeral establishment.”

Note: Authority cited: Section 7606, Business and Professions Code. Reference: Sections 7606, 7685 and 7745, Business and Professions Code.

Modified Text

Section § 1258.4 is added to Title 16, California Code of Regulations to read:

§ 1258.4. Statement of Disclosure of Preneed Arrangement Agreement

The statement on the general price list required by Business and Professions Code Section 7685 (b) shall be made on the first page of the list, and shall be separate and apart from any other information on the list, and shall state:

~~“The survivor of the deceased-~~ “Prior to drafting any contract for goods or services, the responsible party or the decedent’s survivor who is handling the funeral arrangements; ~~or the responsible party,~~ is entitled to receive ~~prior to the drafting of any contract,~~ a copy of any preneed agreement in the possession of the funeral establishment that has been signed and paid for, in full or in part, by or on behalf of the ~~deceased~~ decedent.” ~~-and that is in possession of the funeral establishment.”~~

Proposed Language

Section § 1277 is added to Title 16, California Code of Regulations to read:

§ 1277. Definition of Preneed Arrangement

“Preneed arrangement,” “preneed agreement” or “preneed” is written instruction regarding goods or services or both goods and services for final disposition of human remains in which the goods or services are not provided until time of death, and may be unfunded or may be paid for in advance of need. Under Business and Professions Code Sections 7685.6 and 7745, a copy of any preneed agreement made by, or on behalf of the decedent that is paid for in full or in part and is in the possession of the funeral establishment must be disclosed and presented to the survivor of the deceased who is handling the funeral arrangements, or the responsible party.

Note: Authority cited: Section 7606, Business and Professions Code. Reference: Sections 7606, 7685. 7685.6 and 7745, Business and Professions Code.

Modified Text

Section § 1277 is added to Title 16, California Code of Regulations to read:

§ 1277. Definition of Preneed Arrangement

“Preneed arrangement,” preneed agreement” or “preneed” is written instruction regarding goods or services or both goods and services for final disposition of human remains ~~in which~~ when the goods or services are not provided until the time of death, and may be either unfunded or ~~may be~~ paid for in advance of need. ~~Under Business and Professions Code Sections 7685.6 and 7745, a copy of any preneed agreement made by, or on behalf of the decedent that is paid for in full or in part and is in the possession of the funeral establishment must be disclosed and presented to the survivor of the deceased who is handling the funeral arrangements, or the responsible party.~~

Proposed Language

Section § 1284.5 is added to Title 16, California Code of Regulations to read:

§ 1284.5. Disclosure of Preneed Funeral Agreement

(a) The statement disclosing whether or not the funeral establishment has any preneed agreement made by or on behalf of the deceased shall be made on the “Disclosure of Preneed Funeral Arrangement” form provided by the Bureau (Form 21F1 ~~(11/02)~~ (03/03)), which is hereby incorporated by reference. The disclosure statement shall be signed and dated by the representative of the funeral establishment and by the survivor or responsible party. A copy of the completed disclosure statement shall be given to the survivor or responsible party, and the original completed disclosure statement shall be retained by the funeral establishment for not less than one (1) year

after the serviced preneed account has been audited by the Bureau or seven (7) years from the date the disclosure statement was made, whichever comes first.

(b) The “survivor” is the person with the right to control disposition of the remains under Health and Safety Code Section 7100, or their designee.

(c) The “responsible party” is the person contracting for funeral goods or services or both funeral goods and services for the decedent from the funeral establishment.

Note: Authority cited: Section 7606, Business and Professions Code. Reference: Sections 7606, 7685.6 and 7745, Business and Professions Code.

Modified Text

Section § 1284.5 is added to Title 16, California Code of Regulations to read:

§ 1284.5. Disclosure of Preneed Funeral Agreement

(a) The statement disclosing whether or not the funeral establishment has any preneed agreement made by or on behalf of the deceased shall be made on the “Disclosure of Preneed Funeral ~~Arrangement Agreement~~” form provided by the Bureau (Form 21F1 ~~(11/02)~~(03/03)), which is hereby incorporated by reference. The disclosure statement shall be signed and dated by the representative of the funeral establishment and by the survivor or responsible party. A copy of the completed disclosure statement shall be given to the survivor or responsible party, and the original completed disclosure statement, or copy thereof, shall be retained by the funeral establishment for not less than one (1) year after the serviced preneed account has been audited by the Bureau or seven (7) years from the date the disclosure statement was made, whichever comes first.

(b) The “survivor” is the person with the right to control disposition of the remains under Health and Safety Code Section 7100, or their designee.

(c) The “responsible party” is the person contracting for funeral goods or services or both funeral goods and services for the decedent from the funeral establishment.

(d) Pursuant to Business and Professions Code Sections 7685.6 and 7745, a copy of any signed preneed agreement made by, or on behalf of the decedent that is paid for in full or in part and is in the possession of the funeral establishment must given to the responsible party or the decedent’s survivor who is handling the funeral arrangements prior to drafting any contract for goods or services.

Note: Authority cited: Section 7606, Business and Professions Code. Reference: Sections 7606, 7685.6 and 7745, Business and Professions Code.